

**BEFORE THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

In Application of RCLEC, Inc. for a)
Certificate of Public Convenience and Necessity to)
Provide Local Exchange and Interexchange) DOCKET NO. _____
Telecommunications Services, for Alternate Regulation)
for Interexchange Services and for Flexible Regulation)
of Local Exchange Services)

**MOTION FOR PROTECTIVE TREATMENT AND
BASIS FOR FILING EXHIBIT AS TRADE SECRET**

RCLEC, Inc. ("RCLEC" or "Applicant"), by its attorneys and pursuant to S.C. Code Ann. § 39-8-10, *et seq.*, Commission Order No. 2005-226, and all other applicable rules, statutes and regulations, hereby files this Motion for Protective Treatment ("Motion"). By this Motion, the Applicant seeks protective treatment by the Public Service Commission of South Carolina ("Commission") of certain commercially-sensitive financial statements filed as a trade secret and attached as ***Exhibit 4*** to the Application for Authority to Provide Local Exchange and Interexchange Telecommunications Services and for Alternate Regulation for Interexchange Services and Flexible Regulation of Local Exchange Services ("Application"). Because this Motion is an inseparable part of the Application, it is being filed concurrently with the Application.

In support of this Motion, the Applicant provides the following:

1. The exact legal name, address and telephone number of the Applicant is:

RCLEC, LLC
20 Davis Drive
Belmont, CA 94002
Telephone: (650) 472-4100
Facsimile: (650) 472-4100

2. Correspondence or communications regarding this Motion should be addressed to:

Bonnie D. Shealy, Esquire
1901 Main Street, Suite 1200
Post Office Box 944
Columbia, South Carolina 29202
Telephone: (803) 779-8900
Facsimile: (803) 252-0724
Email: bshealy@robinsonlaw.com

with a copy to:

Anita Taff-Rice
1547 Palos Verdes, #298
Walnut Creek, CA 94597
Telephone: (415) 699-7885
Facsimile: (925) 274-0988

I. Description of Confidential Information.

3. The Application requires RCLEC to disclose evidence of financial fitness through the submission of documentation of its financial resources and ability to provide the requested service. In conformity with this requirement, the Applicant submits its unaudited financial statements. These documents contain highly confidential and strictly proprietary information, the public disclosure of which may result in direct, immediate and substantial harm to the competitive position of RCLEC, Inc. and the Application in South Carolina and elsewhere.

II. Grounds for Claim of Confidentiality.

4. Applicant is presently immune from a legal obligation to prepare or submit financial statements, or any other financial information, to any public entity. As such, statements attached as ***Exhibit 4*** to the Application are not readily available to persons external to Applicant.

5. Because the financial statements submitted by Applicant in support of the Application contain confidential and commercially-sensitive information from which its competitors may derive economic value, Applicant seeks to protect such material from public disclosure. Applicant derives independent economic value from the fact that significant, detailed and proprietary information regarding their financial structure and current financing activities is unknown to its competitors. As such, the financial statements are a “trade secret” as that term is used in South Carolina Trade Secrets Act, S.C. Code Section 39-8-20(5). Given this fact, the disclosure of this information could provide existing and potential competitors, including local exchange and interexchange carriers in South Carolina, as well as in other states in which Applicant provides or intends to provide telecommunications service, with an unfair and undeserved competitive advantage.

6. Applicant clarifies herein that its request for protection applies only to the financial statements attached as ***Exhibit 4*** to the Application. Applicant is not seeking protection of any type for those reports Applicant is required to file with the Office of Regulatory Staff (“ORS”) should the relief sought in the Application be granted: the Annual Report Form, Gross Receipts Report, and Universal Service Fund Worksheet.

CONCLUSION

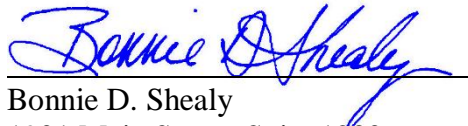
7. The financial information included in support of Applicant's Application, for which Confidential Treatment is sought, is both proprietary and competitively sensitive. The substantial and direct harm that could be caused to Applicant as a result of disclosure is real and not speculative. Moreover, to date, no other jurisdiction or governmental agency has required Applicant to make this information available to the public. For all these reasons, the projected

financial statements attached as ***Exhibit 4*** to the Application should be protected from public disclosure the Commission.

WHEREFORE, RCLEC, Inc. respectfully requests that the South Carolina Public Service Commission grant this Motion for Protective Treatment with respect to the financial statements attached as ***Exhibit 4*** to the Application of RCLEC, Inc. to Provide Local Exchange and Interexchange Telecommunications Services and for Alternate Regulation for Interexchange Services and Flexible Regulation of Local Exchange Services throughout the State of South Carolina and filed under seal as Confidential in this proceeding.

Dated this 19th day of February, 2015.

Robinson, McFadden & Moore, P.C.



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Attorneys for RCLEC, Inc.

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Regulation of Local Exchange Services)

EXHIBIT 4

Financial Statements

**CONFIDENTIAL & PROPRIETARY
FILED UNDER SEAL**